



RECEIVED
CENTRAL FAX CENTER

OCT 17 2005

Facsimile

To: Examiner Mary Da Zhi Wang Cheung, GAU: 3621
Fax No.: (571) 273-8300
From: George M. Macdonald
Date: October 17, 2005
Subject: Serial No.: 09/965,753
Pages: __26__ (including this cover)

Pitney Bowes Inc.

Corporate Counsel
Intellectual Property & Technology Law
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484-8000

203-924-3180
203-924-3919 Fax
George.Macdonald@pb.com
www.pitneybowes.com

Re: U.S. Patent Application Serial No.: 09/965,753
Confirmation No. 2985
Our Docket # F-299

Enclosed please find Appellant's Amended Brief on Appeal.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following correspondence is being transmitted
via facsimile to:

Patent and Trademark Office
Attention: Examiner Mary Da Zhi Wang Cheung, GAU: 3621
Facsimile No. (571) 273-8300

1. Appellant's Amended Brief on Appeal (25 pages).

on October 17, 2005
Date of Transmission


Signature

George M. Macdonald
Name of Registered Rep.
Reg. No.: 39,284

October 17, 2005
Date

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

RECEIVED
CENTRAL FAX CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

OCT 17 2005

In re patent application of:)Attorney Docket No.: F-299
Joseph L. Gargiulo)
Serial No.: 09/965,753) Customer No.: 00919
Filed: September 28, 2001) Examiner: Mary Da Zhi Wang Cheung
Confirmation # 2985) Group Art Unit: 3621
Date: October 17, 2005

Title: Postage Metering System Having Telephone Answering Capability

Mail Stop Appeal Brief- Patents
Commissioner for Patents
Alexandria, VA 22313-1450

APPELLANT'S BRIEF ON APPEAL

Sir:

This is an appeal pursuant to 35 U.S.C. § 134 and 37 C.F.R. §§ 41.31 et seq. from the final rejection of claims 1-27 of the above-identified application mailed August 26, 2004. This Amended Brief on Appeal is submitted in response to the September 19, 2005 Notice of Defective appeal Brief. The Notice of Appeal was filed in this case on November 26, 2004. Accordingly, this brief is timely filed. No fee is believed due. The Commissioner is hereby authorized to charge any additional fees that may be required for this appeal or to make this brief timely or credit any overpayment to Deposit Account No. 16-1885.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, on October 17, 2005 (Date of Transmission).
George M. Macdonald, Reg. No. 39,284 (Name of Registered Rep.)

 (Signature) October 17, 2005 (Date)

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

TABLE OF CONTENTS

RECEIVED
CENTRAL FAX CENTER

OCT 17 2005

- I Real Party in Interest
- II Related Appeals and Interferences
- III Status of Claims
- IV Status of Amendments
- V Summary of Claimed Subject Matter
- VI Grounds of Rejection to Be Reviewed on Appeal
- VII Argument
- VIII Claims Appendix
- IX Evidence Appendix
- X Related Proceedings Appendix

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

I. Real Party in Interest

The real party in interest in this appeal is Pitney Bowes Inc., a Delaware corporation, the assignee of this application.

II. Related Appeals and Interferences

There are no appeals or interferences known to Appellant, his legal representative, or the assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. Status of Claims

Claims 1, 5-6, 10, 14-15, 19 and 23-24 are in the case and under final rejection of the Examiner and stand rejected under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 4,556,944 to Daniels, et al. ("Daniels '944") in view of U.S. Patent No. 6,175,820 B1 to Dietz ("Dietz '820") and in further view of U.S. Patent No. 6,370,521 B1 to Pigos, Jr., et al. ("Pigos '521").

Claims 2-3, 11-12 and 20-21 are in the case and under final rejection of the Examiner and stand rejected under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 4,556,944 to Daniels, et al. ("Daniels '944") in view of U.S. Patent No. 6,175,820 B1 to Dietz ("Dietz '820") and U.S. Patent No. 6,370,521 B1 to Pigos, Jr., et al. ("Pigos '521") and in further view of U.S. Patent No. 4,744,554 to Kulpa, et al. ("Kulpa '554").

Claims 4, 7-8, 13, 16-17, 22 and 25-26 are in the case and under final rejection of the Examiner and stand rejected under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 4,556,944 to Daniels, et al. ("Daniels '944") in view of U.S. Patent No. 6,175,820 B1 to Dietz ("Dietz '820") and U.S. Patent No. 6,370,521 B1 to Pigos, Jr., et al. ("Pigos '521") and U.S. Patent No. 4,744,554 to Kulpa, et al. ("Kulpa '554") and in further view of U.S. Patent No. 5,310,128 to Doeberl, et al. ("Doeberl '128").

Claims 9, 18 and 27 are in the case and under final rejection of the Examiner and stand rejected under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

No. 4,556,944 to Daniels, et al. ("Daniels '944") in view of U.S. Patent No. 6,175,820 B1 to Dietz ("Dietz '820") and U.S. Patent No. 6,370,521 B1 to Pigos, Jr., et al. ("Pigos '521") and U.S. Patent No. 4,744,554 to Kulpa, et al. ("Kulpa '554") and U.S. Patent No. 5,310,128 to Doeberl, et al. ("Doeberl '128") and in further view of U.S. Patent No. 6,161,007 to McCutcheon, et al. ("McCutcheon '007").

Appellant hereby appeals the rejection of claims 1-27.

IV. Status of Amendments

There are no amendments to the claims filed subsequently to the final rejection of August 26, 2004. Therefore, the claims set forth in Appendix A to this brief are those as set forth before the final rejection.

V. Summary of Claimed Subject Matter

Appellant's invention as presently claimed relates to a postage metering system having telephone answering capability. Figures 1, 2, 3D and 6 are reproduced below for use in a summary discussion based upon the corresponding portions of the specification. Generally, this is accomplished by using a postage meter system having a telephone answering machine that includes a modem for receiving an incoming telephone call, a printer module for printing on a recording medium and a control system in operative communication with the modem and the printer module. The control system stores a voice message associated with the telephone call, translates the voice message into a computer based text and prints a print message using the printer module from the computer based text.

In accordance with an illustrative embodiment, the present application describes such a postage metering system. Referring to FIGs. 1 and 2, an illustrative postage metering system 100 according to an embodiment of the present application is described. The postage metering system 100 includes an envelope hopper 112 of conventional design for holding a stack of envelopes (post cards or the like) 20 and an associated envelope feeder 122, also of conventional design, for feeding the envelopes 20 in seriatim (one at a time) to the transport 130. Similarly, the postage metering

Serial No.: 09/965,753
 Attorney Docket No.: F-299

Patent

system 100 also includes a tape hopper 114 of conventional design for holding a stack of tapes 30 and an associated tape feeder 124, also of conventional design, for feeding the tapes 30 in seriatim (one at a time) to the transport 130. The transport 130 may be of any conventional design for feeding the envelopes 20 and tapes 30, as the case may be, downstream in a path of travel through the postage metering system 100 as indicated by arrow A.

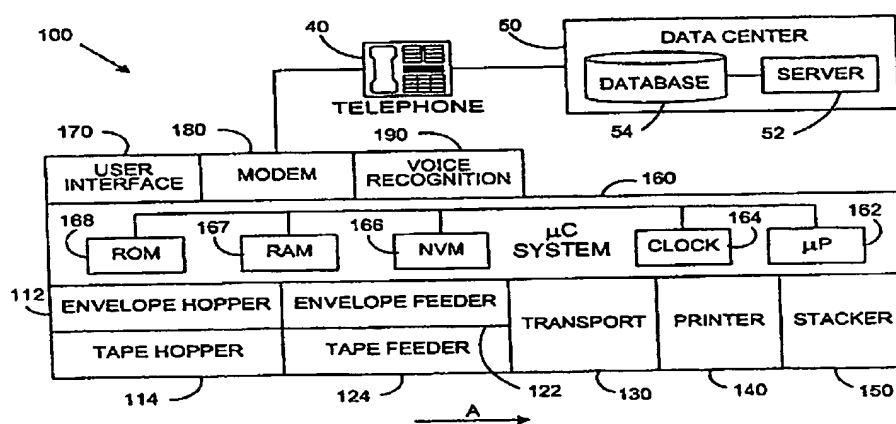
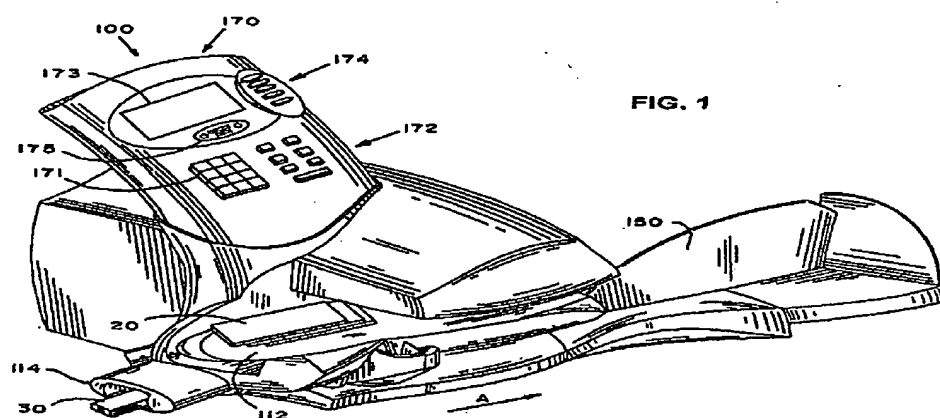


FIG. 2

Generally, the envelope 20 and tape 30 may be referred to as a mail piece or recording medium. Proximate to the path of travel and downstream in the path of travel from the envelope feeder 122 and the tape feeder 124 is a printer 140 for printing a

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

postal indicium (not shown) or other information on the mail piece. Once the printing operation has been completed, the mail piece continues downstream in the path of travel until it is collected in a stacker 150 for retrieval by the operator.

The postage metering system 100 further includes a control system 160, user interface 170, a modem 180 and a voice recognition module 190. The user interface 170 is for communicating messages (information, commands, instructions or the like) to the operator from the control system 160 and vice versa. The user interface 170 includes a numeric keypad 171, a set of function keys 172, a display 173 (CRT, LED, LCD, or otherwise), a set of menu keys 174 and a speaker/microphone 175. The speaker/microphone 175 allows for the audio exchange of messages between the control system 160 and the operator. The modem 180 provides for direct communication between the postage metering system 100 and a common telephone network 40. In this way, the postage metering system 100 may be placed into direct communication with a data center 50 or other entity having access to the telephone network 40. The voice recognition module 190 may be of any conventional design that is commercially available, such as those from Dragon Systems, Inc., Lernout & Hauspie Speech Products N.V. or International Business Machines of Armonk, New York, USA, for recognizing verbal dialog (speech) and translating it into computer based text format (ascii, rich text format, or other suitable format).

The control system 160 includes a suitable processor 162 in operative communication with a clock module 164, a non-volatile memory (NVM) 166, a random access memory (RAM) 167 and a read only memory (ROM) 168 over suitable communication lines, such as an internal bus. Generally, the data center 50 communicates periodically with the postage metering system 100 for the various reasons (recharge, inspection, upgrade, etc.) described in detail above. Additionally, the data center 50 and the postage metering system 100 may communicate with each other for additional reasons discussed in detail below. It can now be seen that adding telephone answering software and voice recognition capability (most preferably software only) extends the functionality of a traditional postage meter while not adding significant cost.

Serial No.: 09/965,753
 Attorney Docket No.: F-299

Patent

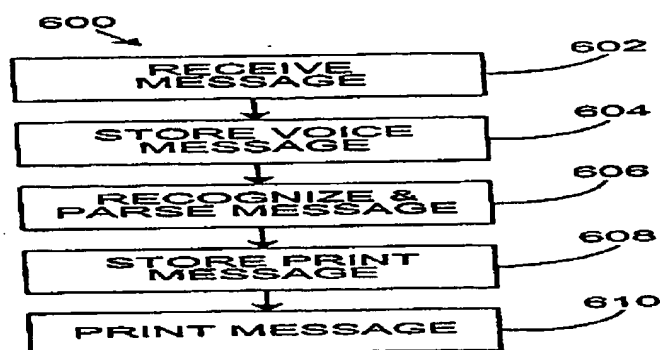


FIG. 6

Referring to FIG. 6, the message receiving process is described according to an illustrative embodiment of the present application. At 602, the postage metering system 100 receives an incoming telephone call by conducting a sequence of events, such as waiting a predetermined number of rings, answering the incoming telephone call, playing back a previously recorded salutation (outgoing message) and providing a response period during which the caller may leave the voice message VM. Generally, this may be accomplished by the control system 160 in combination with the modem 180. Next, at 604, the postage metering system 100 stores the voice message VM in the NVM 166 by digitally sampling the analog signals corresponding to the caller's voice that are received by the modem 180. Using the clock module 164 and appropriate software, the postage metering system 100 associates other information relating to and contained within the header 200h with the voice message VM. Next, at 606, the postage metering system 100 recognizes (translates) the voice message VM and parses the resultant computer based text to generate the print message 200. Using the voice recognition module 190, the caller's verbal dialog (speech) is translated into computer based text format which in turn is parsed to provide special print characteristics to portions of the voice message VM meeting previously defined parameters. Both the types of special print characteristics and the defined parameters are most preferably settable and modifiable by the operator. Next, at 608, the translated and parsed version of the voice message VM along with the various header information 200h is stored in the NVM 166 as the print message 200. The postage metering system 100 maintains an association between each voice message VM and its

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

respective print message 200. Next, at 610, the postage metering system 100 prints the print message 200. Generally, this is most preferably conducted depending upon previously established parameters that have been set by the operator.

Referring to FIG. 3D, an illustrative message printed by a metering system in accordance with an embodiment of the present application is described.

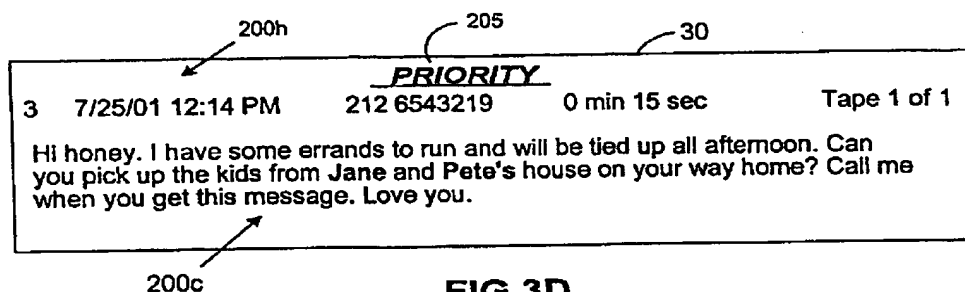


FIG.3D

The message 200c includes a special treatment indicator 205, which in this case is the phrase "PRIORITY" appearing within the header 200h. A review of the print messages shows that some information may optionally be printed in bold type. This is achieved by parsing the message data prior to printing and giving special print characteristics (bold, italics, different size, different font, repeated in more readily discernable location, etc.) to critical data meeting previously defined parameters set by the operator. Thus, most preferably the operator may specify the what types of critical data (names, numbers, address or the like) are to receive what types of special print characteristics. As examples, the postage metering system 100 has been set to parse the message data to locate and highlight names, numbers and addresses that may be embedded within the message body by printing them in bold.

Additional features of the invention are discussed below in the Argument section of this Brief. This summary is not intended to supplant the description of the claimed subject matter as provided in the claims as recited in section VIII, the Claims Appendix, as understood in light of the entire specification.

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

VI. Grounds of Rejection to be Reviewed on Appeal

Whether Claims 1, 5-6, 10, 14-15, 19 and 23-24 are patentable under 35 U.S.C. 103(a) over Daniels '944 in view of Dietz '820 and in further view of Pigos '521.

Whether Claims 2-3, 11-12 and 20-21 are patentable under 35 U.S.C. 103(a) over Daniels '944 in view of Dietz '820 and Pigos '521 and in further view of Kulpa '554.

Whether Claims 4, 7-8, 13, 16-17, 22 and 25-26 are patentable under 35 U.S.C. 103(a) over Daniels '944 in view of Dietz '820 and Pigos '521 and Kulpa '554 and in further view of Doeberl '128.

Whether Claims 9, 18 and 27 are patentable under 35 U.S.C. 103(a) over Daniels '944 in view of Dietz '820 and Pigos '521 and Kulpa '554 and Doeberl '128 and in further view of McCutcheon '007.

VII. Argument

As Appellant discusses in detail below, the final rejection of claims 1-27 is unsupported by the references of record. It is respectfully submitted that the rejection does not even meet the threshold burden of presenting a prima facie case of unpatentability. For this reason alone, Appellant is entitled to grant of a patent. In re Oetiker, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992).

A. The References are Not Properly Combined Under 35 U.S.C. Section 103(a)

Appellant respectfully submits that there is absolutely no motivation to combine the references. For the rejection to stand, there must be some teaching, suggestion or motivation to combine the references found in the references themselves or the general knowledge of one of skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1998); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The Examiner cites to no less than three and to as many as six references in the four distinct rejections. In each rejection, The Examiner cites to Daniels '944 which describes a mailing system having a voice responsive user interface. The system describes decoding voice into command bytes representing a relatively small set of

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

command words, not voice message text. There is no teaching or suggestion of an answering machine or a modem for receiving incoming telephone calls. The Examiner then proceeds to cite Dietz '820 that describes speech recognition systems that necessarily store voice data in computer files and convert them to text, but in no way contemplates or suggests answering machine functionality. The Dietz '820 reference describes outputting reconstituted speech to text files to a telephone or modem but there is absolutely no suggestion of telephone answering capability. The Examiner then cites to Pigos '521 that describes an integrated computer system architecture for tracking of job data in a document processing environment that in no way contemplates or suggest processing any kind of sound or voice message. None of the three primary references contemplates taking telephone messages or using modems to answer and record telephone messages.

Furthermore, to support the alleged motivation to combine the references, the Examiner states:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the voice recognition system in Daniels' teaching to include a telephone answering machine, and a modem for receiving an incoming telephone call and storing a voice message associated with the telephone call because this would expand the usage environments of the voice recognition system by recognizing the voices received from telephone calls and attract more people to use the postage metering system of Daniels. See Final Office Action, section 4, pages 3-4.

The voice recognition system of Daniels solves the problem of allowing a user to control postage meter user interface functions using a relatively small set of voice commands instead of a keypad. Users are collocated with the system and would not be operating it over the telephone lines. The purported motivation to combine is contrived and in no way suggested by the references.

As the Federal Circuit has held, "[I]t is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art ..." See *In re Fitch*, 972 F.2d 1260, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992)(quoting *In re*

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

Fine, 837 F.2d 1071, 1075 (Fed. Cir. 1998). See also *Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH*, 139 F.3d 877 (Fed. Cir. 1998).

The rejections should be reversed because the references are not in an art analogous to that of the invention as presently claimed. Appellant respectfully submits that the cited references are in extremely non-analogous art areas and that there is absolutely no motivation to combine the references. See *Wang Lab., Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993). As discussed below, the references do not even teach the claim elements as suggested by the Examiner.

Accordingly, Appellant respectfully submits that the references are not properly combined and the final rejections should be reversed.

B. Claims 1, 5-6, 10, 14-15, 19 and 23-24 are not Unpatentable under 35 U.S.C. § 103(a)

Claims 1, 5-6, 10, 14-15, 19 and 23-24 are in the case and under final rejection of the Examiner and stand rejected under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Daniels '944 in view of Dietz '820 and in further view of Pigos '521.

In rejecting a claim under 35 U.S.C. §103, the Examiner is charged with the initial burden for providing a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 375 F.2d 385, 148 USPQ 721 (CCPA 1966); *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970). The Examiner is also required to explain how and why one having ordinary skill in the art would have been led to modify an applied reference and/or combine applied references to arrive at the claimed invention. *In re Ochiai*, 37 USPQ2d 1127 (Fed. Cir. 1995); *In re Deuel*, 51 F.3d 1552, 34 USPQ 1210 (Fed. Cir. 1995); *In re Fritch*, 972 F.2d 1260, 23 USPQ 1780 (Fed. Cir. 1992); *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). In establishing the requisite motivation, it has been consistently held that both the suggestion and reasonable expectation of success must stem from the prior art itself, as a whole. *In re Ochiai*, supra; *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); *In re Fine*, 837 F.2d 1071, 5 USPQ2d

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

1596 (Fed. Cir. 1988); *In re Dow Chemical Co.*, 837 F.2d 469, 5 USPQ2d 1529 (Fed. Cir. 1988).

As described above, the references are not properly combined.

Claim 1 is directed to a postage metering system having telephone answering capability and is shown below:

1. A postage metering system for dispensing postage, the system comprising:
 - a modem for receiving an incoming telephone call;
 - a printer module for printing on a recording medium;
 - a control system in operative communication with the modem and the printer module; the control system for:
 - storing a voice message associated with the telephone call;
 - translating the voice message into a computer based text;
 - printing a print message from the computer based text using the printer module; and
 - sending the voice message and print message to a central server. (emphasis added).

Appellant respectfully disagrees with the rejection of the claim and urges its reversal for at least the reasons stated below.

In the August 26, 2004 Final Office Action, the Examiner admits that "Daniels does not specifically teach operating a telephone answering machine. See Final Office Action, section 4 at page 3. None of the cited references do.

The Examiner then states:

However, Dietz teaches operating a telephone answering machine ... (column 4 lines 10-55 and column 6 lines 11-17 and Figs. 1-3B; specifically, "a telephone answering machine" corresponds to the voice recognition system, such as item 15 in Fig. 1, item 303 in Figs. 3A-3B). Id. (emphasis in original).

However, the cited portion of Dietz describes outputting speech recognition files in analog form over telephone wires and describes a telephone input, but does not contemplate or suggest answering telephone calls or taking telephone messages.

Contrary to the Examiner's assertion, the cited references do not fairly teach or suggest telephone answering capability.

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

Additionally, the Examiner admits that the cited references do not teach sending the voice message and print message to a central server, but cites to Pigos '521 to show a reference teaching sending messages to a central server. Pigos '521 is a non-analogous art and is not properly combined. It does not contemplate voice messages. Clearly the rejection is in error and should be reversed.

Regarding claims 5, 14 and 23, the Examiner cites to Dietz to purportedly show message parsing, but Dietz describes extracting voice cues such as to bold emphasized words, not to highlight critical data. Claim 5 recites:

5. The postage metering system of claim 1, wherein:

the control system is further for:

parsing the computer based text to create special print characteristics within the print message to highlight critical data in response to a previously established parsing parameter set by an operator of the postage metering system. (emphasis added).

Claim 6 further recites:

6. The postage metering system of claim 5, wherein:
the previously established parsing parameter is names. (emphasis added).

The cited references do not contemplate parsing names as they do not contemplate taking telephone messages from people such that names would be critical.

Accordingly, the Examiner has failed to establish a prima facie case for an obviousness rejection. The dependent and similar independent claims are patentable over the cited references for at least the reasons discussed above regarding claim 1. For at least the above stated reasons, Appellant respectfully submits that the final rejection as to claims 1, 5-6, 10, 14-15, 19 and 23-24 is in error and should be reversed.

C. Claims 2-3, 11-12 and 20-21 are Not Unpatentable Under 35 U.S.C. section 103(a)

Claims 2-3, 11-12 and 20-21 are in the case and under final rejection of the Examiner and stand rejected under 35 U.S.C. § 103(a) as allegedly being rendered

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

obvious by Daniels '944 in view of Dietz '820 and Pigos '521 and in further view of Kulpa '554.

Claim 2 is directed to a postage metering system and is shown below:

2. The postage metering system of claim 1, further comprising:
an input hopper for holding a stack of recording media; and
a transport module for feeding the recording medium one at a time from the stack downstream in a path of travel past the printer module; and
wherein the control system is further for:
automatically feeding the recording medium from the input hopper and initiating printing of the print message in response to a previously established print parameter set by an operator of the postage metering system. (emphasis added).

The claim is patentable for at least the reasons stated above with reference to claim 1. Furthermore, the Examiner has not shown a reference or properly combined references teaching or suggesting at least the element emphasized above. Daniels does not contemplate printing the print message that is message from the computer based text using the printer module. Accordingly, the Examiner has failed to establish a prima facie case for an obviousness rejection. The dependent and similar independent claims are patentable over the cited references for at least the reasons discussed above. For at least the above stated reasons, Appellant respectfully submits that the final rejection as to claims 2-3, 11-12 and 20-21 is in error and should be reversed.

D. Claims 4, 7-8, 13, 16-17, 22 and 25-26 are Not Unpatentable Under 35 U.S.C. section 103(a)

Claims 4, 7-8, 13, 16-17, 22 and 25-26 are in the case and under final rejection of the Examiner and stand rejected under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Daniels '944 in view of Dietz '820 and Pigos '521 and Kulpa '554 and in further view of Doeberl '128.

The Examiner has put forth a five reference obviousness rejection and admits that parsing names is not fairly taught or suggested by any of the references.

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

Claim 4 is directed to a postage metering system and is shown below:

4. The postage metering system of claim 3, wherein:
the recording medium is a strip tape. (emphasis
added).

The claims are patentable for at least the reasons stated above with reference to claim 1. Furthermore, the Examiner has not shown a reference or properly combined references teaching or suggesting at least the element emphasized above. Daniels does not contemplate printing the print message that is message from the computer based text using the printer module.

Regarding claim 7, the cited references do not fairly teach or suggest parsing as discussed above with reference to claim 5.

Regarding claim 8 the cited references do not fairly teach or suggest parsing names as discussed above with reference to claim 6.

Accordingly, the Examiner has failed to establish a prima facie case for an obviousness rejection. The dependent and similar independent claims are patentable over the cited references for at least the reasons discussed above. For at least the above stated reasons, Appellant respectfully submits that the final rejection as to claims 4, 7-8, 13, 16-17, 22 and 25-26 is in error and should be reversed.

E. Claims 9, 18 and 27 are Not Unpatentable Under 35 U.S.C. section 103(a)

Claims 9, 18 and 27 are in the case and under final rejection of the Examiner and stand rejected under 35 U.S.C. § 103(a) as allegedly being rendered obvious by Daniels '944 in view of Dietz '820 and Pigos '521 and Kulpa '554 and Doeberl '128 and in further view of McCutcheon '007.

The Examiner has put forth a six reference obviousness rejection and then admits that even those six references (which Appellant submits are not properly combined) do not "explicitly teach" the header information including a duration indication and a message number indication. Appellant submits that the references do not inherently include that feature and should the rejection be treated as including official notice, Appellant requests a reference and disputes that any such combination is proper.

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

Claim 9 is directed to a postage metering system and is shown below:

9. The postage metering system of claim 8, further comprising:
a clock module for supplying real time clock data to the control system; and
wherein the control system is further for:
creating header information associated with the voice message, the header information including a date/time stamp, a duration indication and a message number indication; and
printing the header information with the print message. (emphasis added).

The Examiner has not shown a reference or properly combined references teaching or suggesting at least the element emphasized above. For example, there is no suggestion of the header information including a duration indication and a message number indication.

Claims 18 and 27 include similar elements and are patentable for at least the reasons described with reference to claim 9. Claims 9, 18 and 27 are also patentable over the cited references for at least the reasons discussed above with reference to claim 1.

Accordingly, the Examiner has failed to establish a prima facie case for an obviousness rejection. The referenced dependent claims are patentable over the cited references for at least the reasons discussed above regarding the respective independent claims. For at least the above stated reasons, Appellant respectfully submits that the final rejection as to claims 9, 18 and 27 is in error and should be reversed.

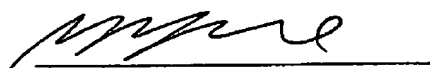
Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

F. Conclusion

In Conclusion, Appellant respectfully submits that the final rejection of claims 1-27 is in error for at least the reasons given above and should, therefore, be reversed.

Respectfully submitted,



George M. Macdonald
Reg. No. 39,284
Attorney for Appellant
Telephone (203) 924-3180

PITNEY BOWES INC.
Intellectual Property and Technology Law Department
35 Waterview Drive, P.O. Box 3000
Shelton, CT 06484-8000

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

VIII CLAIMS APPENDIX
APPENDIX A

1. A postage metering system for dispensing postage, the system comprising:

- a modem for receiving an incoming telephone call;
 - a printer module for printing on a recording medium;
 - a control system in operative communication with the modem and the printer module; the control system for:
 - storing a voice message associated with the telephone call;
 - translating the voice message into a computer based text;
 - printing a print message from the computer based text using the printer module;
- and
- sending the voice message and print message to a central server.

2. The postage metering system of claim 1, further comprising:

- an input hopper for holding a stack of recording media; and
- a transport module for feeding the recording medium one at a time from the stack downstream in a path of travel past the printer module; and

wherein the control system is further for:

automatically feeding the recording medium from the input hopper and initiating printing of the print message in response to a previously established print parameter set by an operator of the postage metering system.

3. The postage metering system of claim 2, wherein:

the previously established print parameter is automatic printing in response to receipt of the voice message.

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

4. The postage metering system of claim 3, wherein:

the recording medium is a strip tape.

5. The postage metering system of claim 1, wherein:

the control system is further for:

parsing the computer based text to create special print characteristics within the print message to highlight critical data in response to a previously established parsing parameter set by an operator of the postage metering system.

6. The postage metering system of claim 5, wherein:

the previously established parsing parameter is names.

7. The postage metering system of claim 4, wherein:

the control system is further for:

parsing the computer based text to create a special print characteristic within the print message to highlight critical data contained within the voice message in response to a previously established parsing parameter set by an operator of the postage metering system.

8. The postage metering system of claim 7, wherein:

the previously established parsing parameter includes names as critical data and bold printing as the special print characteristic.

9. The postage metering system of claim 8, further comprising:

a clock module for supplying real time clock data to the control system; and

wherein the control system is further for:

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

creating header information associated with the voice message, the header information including a date/time stamp, a duration indication and a message number indication; and

printing the header information with the print message.

10. A method of operating a postage meter system for printing a message, the method comprising the step(s) of:

receiving an incoming telephone call;

storing a voice message associated with the telephone call;

translating the voice message into a computer based text;

printing a print message on a recording medium from the computer based text using a printer module; and

sending the voice message and print message to a central server.

11. The method of claim 10, further comprising the step(s) of:

storing a stack of recording media in an input hopper; and

feeding the recording medium one at a time from the stack downstream in a path of travel past the printer module; and

automatically feeding the recording medium from the input hopper and initiating printing of the print message in response to a previously established print parameter set by an operator of the postage metering system.

12. The method of claim 11, wherein:

the previously established print parameter is automatic printing in response to receipt of the voice message.

13. The method of claim 12, wherein:

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

the recording medium is a strip tape.

14. The method of claim 10, further comprising the step(s) of:

parsing the computer based text to create special print characteristics within the print message to highlight critical data in response to a previously established parsing parameter set by an operator of the postage metering system.

15. The method of claim 14, wherein:

the previously established parsing parameter is names.

16. The method of claim 13, further comprising the step(s) of:

parsing the computer based text to create special print characteristics within the print message to highlight critical data in response to a previously established parsing parameter set by an operator of the postage metering system.

17. The method of claim 16, further comprising the step(s) of:

the previously established parsing parameter includes names as critical data and bold printing as the special print characteristic.

18. The method of claim 17, further comprising the step(s) of:

using a clock module to supply real time clock data;

creating header information associated with the voice message, the header information including a date/time stamp, a duration indication and a message number indication; and

printing the header information with the print message.

19. A method of operating a telephone answering machine, the method comprising the step(s) of:

receiving an incoming telephone call;

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

- storing a voice message associated with the telephone call;
- translating the voice message into a computer based text;
- printing a print message on a recording medium from the computer based text using a printer module; and
- sending the voice message and print message to a central server.
20. The method of claim 19, further comprising the step(s) of:
- storing a stack of recording media in an input hopper; and
- feeding the recording medium one at a time from the stack downstream in a path of travel past the printer module; and
- automatically feeding the recording medium from the input hopper and initiating printing of the print message in response to a previously established print parameter set by an operator of the postage metering system.
21. The method of claim 20, wherein:
- the previously established print parameter is automatic printing in response to receipt of the voice message.
22. The method of claim 21, wherein:
- the recording medium is a strip tape.
23. The method of claim 19, further comprising the step(s) of:
- parsing the computer based text to create special print characteristics within the print message to highlight critical data in response to a previously established parsing parameter set by an operator of the postage metering system.
24. The method of claim 23, wherein:
- the previously established parsing parameter is names.

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

25. The method of claim 22, further comprising the step(s) of:

parsing the computer based text to create special print characteristics within the print message to highlight critical data in response to a previously established parsing parameter set by an operator of the postage metering system.

26. The method of claim 25, further comprising the step(s) of:

the previously established parsing parameter includes names as critical data and bold printing as the special print characteristic.

27. The method of claim 26, further comprising the step(s) of:

using a clock module to supply real time clock data;

creating header information associated with the voice message, the header information including a date/time stamp, a duration indication and a message number indication; and

printing the header information with the print message.

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

IX EVIDENCE APPENDIX
APPENDIX B

NONE

Serial No.: 09/965,753
Attorney Docket No.: F-299

Patent

X RELATED PROCEEDINGS APPENDIX
APPENDIX C

NONE